

October 26, 2004

AN ORDINANCE

04-0-1973

BY: CITY UTILITIES COMMITTEE

AN ORDINANCE TO ABANDON THAT PORTION OF UNIMPROVED RIGHTS-OF-WAY LOCATED ALONG PAXON AVENUE SE AT WOODBINE AVENUE SE AND ALONG WOODBINE AVENUE SE AT PAXON AVENUE AND TO TRANSFER PORTIONS OF PARK PROPERTY CONSISTING OF A TOTAL OF .474 ACRES, MORE OR LESS, AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A" LYING AND BEING IN LAND LOT 207 OF THE 15TH DISTRICT, DEKALB COUNTY, GEORGIA AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has received a formal request from the abutting property owner, to abandon a portion of unimproved rights-of-way along PAXON AVENUE SE and WOODBINE AVENUE SE for the purpose of using the property for their own private use; and,

WHEREAS, the request to abandon said unimproved rights-of-way has been reviewed by the proper city agencies and by all public utilities prior to passage of the legislation; and,

WHEREAS, the City of Atlanta Department of Parks owns and operates a small park adjacent to said unimproved rights-of-way; and,

WHEREAS, as originally platted, the right-of-way of Paxon Avenue continued westerly across a deep ravine and creek to intersect with Woodbine Avenue, but due to the topographic conditions, Paxon Avenue was subsequently constructed such that the street diverges from the originally platted right-of-way and runs south along the creek and connects with Alder Court; and,

WHEREAS, a streetcar line which ran parallel with Woodbine Avenue was discontinued and the tracks removed, leaving an unusually shaped and discontinuous right-of-way; and,

WHEREAS, the combination of topography and unusually configured rights-of-way has resulted in the full potential of the park not being realized because the property lines are not consistent with naturally useable areas and the private property owner cannot make beneficial use of his entire property because of its unusual configuration; and,

WHEREAS, the beneficial use of all parties is served by transferring ownership of various parcels of land among the owners, such that the newly configured property lines are regular and logical, the overall park area is increased by .15 acres and the abutting residential property is made more useable; and,

WHEREAS, a portion of the abandoned rights-of-way and a portion of Department of Parks property will become part of the abutting owner's private property and will be their responsibility to maintain, operate, and provide all services and utilities; and

WHEREAS, a portion of the abandoned rights-of-way will become part of the Department of Parks property; and,

WHEREAS, the abutting property owner has agreed to acquire said street and portions of Park property from the City of Atlanta for the appraised fair market value; and

WHEREAS, the Department of Parks will not be required to pay for the transfer of portions of acquired rights-of-way.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, as follows:

SECTION 1. That the portion of unimproved rights-of-way located along PAXON AVENUE SE at WOODBINE AVENUE SE and along WOODBINE AVENUE SE at PAXON AVENUE and portions of Park property consisting of a total of .474 acres, more or less, and being more specifically described in the attached Exhibit "A" lying and being in Land Lot 207 of the 15th District, DeKalb County, Georgia the same is hereby declared no longer useful or necessary for the public's use and convenience.

SECTION 2. That the City's intent is hereby given to abandon said unimproved rights-of-way and to sell a portion of Park property.

SECTION 3. That the abutting property owner's have agreed to pay the fair market value of the abandoned rights-of-way and portions of Park property as determined by the appraisal of said rights-of-way and Park property.

SECTION 4. That the Department of Parks will not be required to pay for the transfer of portions of acquired rights-of-way.

SECTION 5. That any and all reservations for existing public or private utility easements shall remain in effect for the purpose of entering the property to operate, maintain, or replace said utility facilities. These easements shall remain in effect until such time that said utilities are abandoned, removed, or relocated, at which time said easements shall expire.

SECTION 6. That the Chief Procurement Officer be and is hereby authorized to appraise said street to determine their fair market land value.

SECTION 7. That all costs associated with the appraisal report shall be charged to and paid from Account Number 3P02 574001 M22F03349999.

SECTION 8. That the Mayor be and is hereby authorized to execute a quitclaim deed to said rights-of-way and public property.

SECTION 9. That all ordinance and parts of ordinances in conflict herewith be and the same are hereby repealed.

EXHIBIT "A"

TRACT 1

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 207 of the 15th District, Dekalb County, Georgia, being in the City of Atlanta.

Commencing at a point located on the north side of unopened Paxon Ave. which said point is located 905.50 feet west from the intersection of the north side of Paxon Ave. (40'R/W) with the west side of Wyman Street (50'R/W). Thence continue along the north right of way of unopened Paxon Ave., N86°37'39"W a distance of 67.02 feet to the true point of beginning. Thence the following courses and distances to describe the tract or parcel of land.

Thence S22°00'00"E for a distance of 44.27 feet to a point on the south side of unopened Paxon Ave. thence westerly along the south side of the unopened Paxon Ave., N86°37'39"W a distance of 206.99 feet to the southwest intersection of unopened Paxon Ave. with the south side of existing Woodbine Ave. thence northeasterly along the south side of existing Woodbine Ave. N72°31'13"E a distance of 112.37 to the northwest corner intersection of unopened Paxon Ave. and the south side of Woodbine Ave. Thence along the north side of unopened Paxon Ave., S86°37'39"E a distance of 83.01 feet to the Point of Beginning.

The described parcel being described as "**Tract 1**" containing an area of 5800 **square feet** as shown on survey plat entitled "Abandonment Plat Of Woodbine Ave. and Paxon Ave. dated 11/17/03 hereby referenced and made a part of and incorporated herein, is on file at the City of Atlanta, Dept. of Watershed Management, Engineering Services.

EXHIBIT "A"

TRACT 2

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 207 of the 15th District, Dekalb County, Georgia, being in the City of Atlanta.

Beginning at a point located on the north side of unopened Paxon Ave. which said point is located 905.50 feet west from the intersection of the north side of Paxon Ave. (40'R/W) with the west side of Wyman Street (50'R/W). Thence continue the following courses and distances to describe the tract or parcel of land:

Continue along the north right of way of unopened Paxon Ave., S86°37'39"E a distance of 171.5 feet to a point. Said point being the southeast corner of Lot 16 recorded in plat book 3C, page 490 of the Dekalb County records. Thence continue along the north right of way of unopened Paxon Ave. S86°37'39"E a distance of 56.95 feet to a point of intersection of the unopened north side of Paxon Ave. with the existing north side of Paxon Ave. Thence southwesterly along the north side of existing Paxon Ave and being on a curve to the left being subtended by an arc length of 223.14 feet, a radius of 615.63 feet, a chord bearing of S82°59'19"W having a chord distance of 221.92 feet to the southeast corner intersection of unopened Paxon Ave. with the north side of existing Paxon Ave. Thence along the south side of unopened Paxon Ave., N86°37'39"W a distance of 58.22 feet to a point. Thence traversing from the south side of unopened Paxon Ave. to the north side of unopened Paxon Ave., N22°00'00"W a distance of 44.27 feet a point. Thence along the north side of unopened Paxon Ave. S86°37'39"E a distance of 67.02 to the point of beginning.

The described parcel being described as "**Tract 2**" containing an area of 5580 **square feet** as shown on survey plat entitled "Abandonment Plat Of Woodbine Ave. and Paxon Ave. dated 11/17/03 hereby referenced and made a part of and incorporated herein, is on file at the City of Atlanta, Dept. of Watershed Management, Engineering Services.

EXHIBIT "A"

TRACT 3

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 207 of the 15th District, Dekalb County, Georgia, being in the City of Atlanta.

Commencing at a point located on the north side of unopened Paxon Ave. which said point is located 905.50 feet west from the intersection of the north side of Paxon Ave. (40'R/W) with the west side of Wyman Street (50'R/W). Thence continue along the north right of way of unopened Paxon Ave., N86°37'39"W a distance of 67.02 feet to the true point of beginning.

Thence the following courses and distances to describe the tract or parcel of land.

Continue along the north side of Paxon Ave, N86°37'39"W a distance of 83.01 feet to the point of intersection of the north side of Paxon Ave. with the south side of Woodbine Ave. Thence continue northeasterly along the south side of Woodbine Ave. N73°36'03"E a distance of 75.36 to a point, thence leaving said right of way continue S22°00'00"E a distance of 28.21 to the Point of Beginning.

The described parcel being described as "**Tract 3**" containing an area of 1058 **square feet** as shown on survey plat entitled "Abandonment Plat Of Woodbine Ave. and Paxon Ave. dated 11/17/03 hereby referenced and made a part of and incorporated herein, is on file at the City of Atlanta, Dept. of Watershed Management, Engineering Services.

EXHIBIT "A"

TRACT 4

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 207 of the 15th District, Dekalb County, Georgia, being in the City of Atlanta.

Beginning at a point located on the north side of unopened Paxon Ave. which said point is located 905.50 feet west from the intersection of the north side of Paxon Ave. (40'R/W) with the west side of Wyman Street (50'R/W). Thence continue the following courses and distances:

Continue along the north right of way of unopened Paxon Ave., N86°37'39"W a distance of 67.02 feet to a point. Thence leaving said right of way continue N22°00'00"W a distance of 28.21 feet to a point on the south side of existing Woodbine Ave. thence northeasterly along the south side of the right of way line of Woodbine Ave., N73°36'03"E a distance of 267.54 feet to a point. Said point being the northeast corner of the Lot 16 recorded in plat book 3C, page 490 of the Dekalb County records, thence southwesterly along the north line of Lot 16, S59°28'41"W a distance of 208.00 feet to the point of beginning. Said point being the southwest corner of said Lot 16.

The described parcel being described as "**Tract 4**" containing an area of 7643 **square feet** as shown on survey plat entitled "Abandonment Plat Of Woodbine Ave. and Paxon Ave. dated 11/17/03 hereby referenced and made a part of and incorporated herein, is on file at the City of Atlanta, Dept. of Watershed Management, Engineering Services.

EXHIBIT "A"

TRACT 5

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 207 of the 15th District, Dekalb County, Georgia, being in the City of Atlanta.

BEGINNING at a point located on the north side of existing Paxon Ave. which said point is located 900.19 feet west from the intersection of the north side of Paxon Ave. (40'R/W) with the west side of Wyman Street (50'R/W).

Thence continue along the existing north right of way of Paxon Ave., on a curve to the left having being subtended by an arc length of 52.65 feet, a radius of 615.63 feet, a bearing of S70°09'19"W, and a chord distance of 52.64 feet to a point on said right of way. Leaving said right of way continue thence N22°00'00"W a distance of 22.97 feet to a point on the south side of unopened Paxon Ave. Thence along south right of way line of Paxon Ave., S86°37'39"E for a distance of 58.22 to the Point of Beginning.

The described parcel being described as "**Tract 5**" containing an area of 584 **square feet** as shown on survey plat entitled "Abandonment Plat Of Woodbine Ave. and Paxon Ave. dated 11/17/03 hereby referenced and made a part of and incorporated herein, is on file at the City of Atlanta, Dept. of Watershed Management, Engineering Services.

Legislative White Paper

Committee of Purview: Utilities

Caption: AN ORDINANCE TO ABANDON THAT PORTION OF UNIMPROVED RIGHTS-OF-WAY LOCATED ALONG PAXON AVENUE SE AT WOODBINE AVENUE SE AND ALONG WOODBINE AVENUE SE AT PAXON AVENUE AND TO TRANSFER PORTIONS OF PARK PROPERTY CONSISTING OF A TOTAL OF .474 ACRES, MORE OR LESS, AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A" LYING AND BEING IN LAND LOT 207 OF THE 15TH DISTRICT, DEKALB COUNTY, GEORGIA AND FOR OTHER PURPOSES.

Council Meeting Date: November 15, 2004

Legislation Title: Street Abandonment – Paxon Avenue/Woodbine Avenue

Requesting Dept.: Public Works

Contract Type: N/A

Source Selection: N/A

Bids/Proposals Due: N/A

Invitations Issued: N/A

Number of Bids: N/A

Proposals Received: N/A

Bidders/Proponents: N/A

Justification Statement: The purpose of this legislation is to abandon a portion of Paxon Avenue and Woodbine Avenue.

Background: The abutting property owner has requested the abandonment and sale of a portion of Park property for the purpose of using the property for their own private use and the abandoned right-of-way and portion of Park property will become part of the abutting owner's private property and will be their responsibility to maintain, operate, and provide all services and utilities; the request to abandon said street and sell Park property has been reviewed by the proper city agencies and by all public utilities; and, the abutting property owner has agreed to acquire said street from the City of Atlanta for the appraised fair market value

Fund Account Center: N/A

Source of Funds: N/A

Fiscal Impact: The City will realize revenue from the acquisition of the abandoned street at its fair market value.

Term of Contract: N/A

Method of Cost Recovery: **N/A**

Approvals:

DOF: _____

DOL: _____

Prepared By: **José Banda**

Contact Number: **(404) 330-6501**

Exhibit "A"

